

REMARKS

No claims are canceled, amended or added in this paper. Therefore, claims 1-38 are pending.

Of these claims, claims 4, 7-8, 11-12, 19 and 23-38 correspond to a non-elected species or non-elected invention, as explained further below. Accordingly, claims 1-3, 5-6, 9-10, 13-18 and 20-22 are under active consideration.

In the outstanding Office Action, the Patent Office recites (in pertinent part) the following election of invention requirement:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-22 are drawn to a medical catheter with an inner sleeve, classified in class 604, subclass 264.

II. Claims 23-28 are drawn to a medical catheter with a solid body, classified in class 606, subclass 194.

III. Claims 29-33 are drawn to a method of administering food and/or medications, classified in class 604, subclass 508.

IV. Claims 34-38 are drawn to a method of draining materials from a patient, classified in class 128, subclass 898.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

In response to the foregoing election of invention requirement, Applicants respectfully elect

Group I, claims 1-22.

Also in the outstanding Office Action, the Patent Office sets forth (in pertinent part) the following election of species requirement:

This application contains claims directed to the following patentably distinct species of the claimed invention:

Category I - Inner Sleeve

Species A - Figures 1-14 (the inner sleeve of Figures 1-14)

Species B - Figure 15 and Figure 1

Species C - Figure 16 and Figure 1

Species D - Figure 17 and Figure 18

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic and allowable claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

In response to the foregoing election of species requirement, Applicants respectfully elect Species A, Figures 1-14 (the inner sleeve of Figures 1-14). Claims 1-3, 5-6, 9-10, 13-18 and 20-22 are readable on the elected species.

It is respectfully submitted that the present application is in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is

required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 23, 2004.



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